



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,340	01/03/2007	Paul Cook	65200(71946)	2239
21874 7590 04/13/2009 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
BURCH, MELODY M				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,340

Applicant(s)

COOK, PAUL

Examiner

Melody M. Burch

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22, 24, 27-30 and 32-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22, 24, 27-30 and 32-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-22, 24, 27-30, 32-36, 41, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 19. The phrase "a buffer member extending from the support member" in claim 19 is indefinite since the claim reads as if the buffer member is distinct from the support member when, in fact, the support member includes a buffer member as previously recited in claim 23. Also the phrase "a resilient material" is indefinite since it reads as if the resilient material is distinct from the vibration isolating element of a resilient material that was previously recited.

Re: claim 34. The phrase "vibration mounting being sized to fit the predetermined fastener positions" in the last two lines of the claim is indefinite since it reads as if the vibration mounting will be placed in the fastener positions for accepting the mounting bolts.

Re: claim 41. The phrase "a third direction" is indefinite. The recitation of a third direction is unclear in light of the fact that a --second direction-- was not previously recited.

Re: claim 42. The phrase "directions are substantially mutually orthogonal directions" is indefinite since it is unclear whether the phrase intends to mean that the

load bearing direction is orthogonal to the first and third directions or that all three directions are orthogonal to each other. Claim 42 depends from claim 41 which depends from claim 30 which depends from claim 28 which depends from claim 19. Claim 19 describes a load bearing direction that in viewed in light of the specification extends in a longitudinal direction, the buffer means recited in claim 19 is that acting in the lateral direction. Claim 28 states that the buffer member of claim 19 acts in a first direction, so it is understood that the first direction is a lateral direction. Claims 30 and 32 discuss the further buffer acting in the longitudinal load-bearing direction. The claim language of claim 41 suggests that the third buffer acts in the longitudinal direction under either positive or negative displacement. Thus, as best understood, claim 42 appears to intend to recite that the load bearing and the third direction is substantially orthogonal with respect to the first direction. Clarification is required.

Clarification is required. The remaining claims are indefinite due to their dependence from claim 19.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 37 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6435489 to Rice et al.

Re: claim 37. Rice et al. show in figures 1-3 and 4A a vibration mounting comprising a base member 16 for mounting to a mounting location and a support member 26 for supporting a load, the support member being spaced apart from the base member in a load-bearing direction by a vibration isolating element 36 of a resilient material, wherein the vibration isolating element comprises a plurality of lobes as labeled on pg. 6 of this action each lobe extending from the base member towards the support member and also extends in a lateral direction different from that of other lobes, wherein the support member comprises at least one buffer member or portion shown in the area at the end of element number 28 extending towards the base member between adjacent lobes (adjacent with respect to the diameter of the of element 28) of the vibration isolating element such that the buffer member contacts a resilient material buffer shown in the area of element number 46 secured to the base member when vibration displacements exceed a first predetermined amplitude in a first direction, and wherein the vibration mounting further comprises a secondary buffer or element 28 contacting element 38 for further increasing resistance to displacement beyond a second predetermined amplitude of vibration displacement in the first direction.

Re: claims 38-40. Rice et al. show in figures 1-3 and 4A a vibration mounting comprising a base member 16 for mounting to a mounting location and a support member 26 for supporting a load, the support member being spaced apart from the base member in a load-bearing direction by a vibration isolating element 36 of a resilient material, wherein the vibration isolating element comprises a plurality of lobes as labeled on pg. 6, 7 of this action each lobe extending from the base member towards

the support member, and buffer means comprising a first buffer or the contacting of the bottom of the top portion of element 28 with the top of element 38 for increasing resistance to displacement of the support member relative to the base member in the load-bearing direction beyond a positive displacement threshold and a second buffer or the contact of the top of element 58 with the bottom of element 40 for increasing resistance to a negative displacement beyond a negative displacement threshold.

Claim Rejections - 35 USC § 103

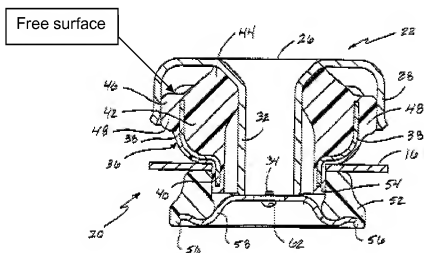
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

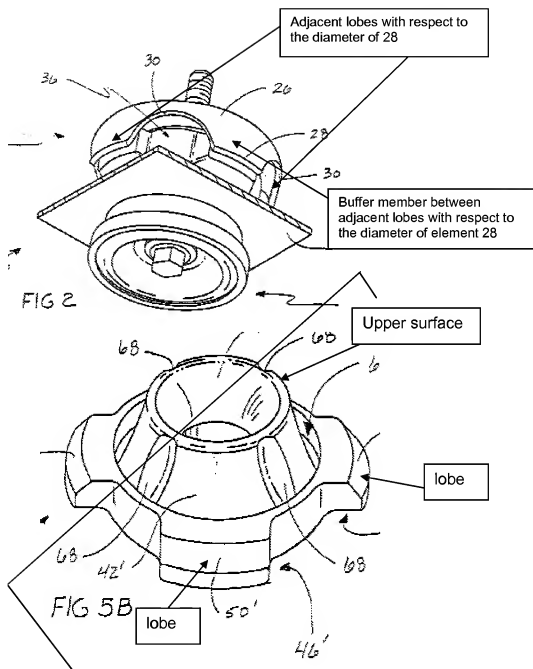
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 20, 21, 22, 24, 27, 28, 29, 30, 32, 33, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6435489 to Rice et al. in view of US Patent 3504508 to Bronzin.

Re: claims 19, 20, 27, and 28. Rice et al. show in figures 1-3 a vibration mounting comprising a base member 16 for mounting to a mounting location and a support member 26 for supporting a load, the vibration mounting having a centre-line in said load-bearing direction; wherein the support member is spaced apart from the base member in a load-bearing direction by a vibration isolating element of a resilient material, which comprises a plurality of lobes as labeled on pg. 6, 7 of the action in figure 5B on each side of a plane passing through said centre-line, wherein each lobe

extends outwardly from a central portion of the vibration isolating element secured to the base member towards the support member and also extends in a lateral direction different from that of other lobes, and wherein each lobe has an upper surface as labeled on pg. 6 engaging the support member and at least one free surface as labeled on pg. 6, 7





And wherein the vibration mounting comprises a buffer means including a buffer member shown at the end of the lead line of number 28 shown in figure 4A extending

from the support member towards the base member between adjacent lobes, particularly adjacent with respect to the diameter of element 28, of the vibration isolating element and a contact plate 38 affixed to a resilient material secured to the base member, wherein the buffer member contacts the contact plate when vibration displacements exceed a predetermined amplitude, and does not contact the contact plate when vibration displacements are less than the predetermined amplitude.

Rice et al. are silent with regards to the buffer means being a low friction buffer means.

Bornzin teaches in col. 4 lines 3-5 the use of a low friction buffer means in the form of an object made of nylon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the buffer means of Rice et al. to have included the contact plate or the buffer member to have been made of nylon to form a low friction buffer means, as taught by Bornzin, in order to provide a means of preventing wear from continuous contact actions.

Re: claims 21 and 22. Rice et al., as modified, teach in figure 1 of Rice et al. the limitation wherein the vibration isolating element is secured to a raised portion of the base member or particularly a top annular flange portion shown in figure 1 and the lobes extend at an angle to the base member, an outward end of each lobe engaging a corresponding portion of the support member as shown.

Re: claim 24. Rice et al., as modified, teach in Rice et al. the limitation wherein the vibration isolating element comprises an elastomeric polymer or rubber as disclosed

in col. 3 line 67 – col. 4 line 1 formed by injection molding to the base member. See col. 3 lines 60-62. Also, with regards to the injection molding process, Examiner notes that the patentability of a product by process claim is based on the product itself and does not depend on its method of production. See MPEP 2113.

Re: claim 29. Rice et al., as modified, teach in figures 1 and 4A of Rice et al. the mounting further comprising a secondary buffer or the central portions of the vibration isolating element within part 38 for further increasing resistance to displacement beyond a second predetermined amplitude of vibration displacement in the first direction.

Re: claims 30, 41, and 42. Rice et al., as modified, teach in figures 1 and 4A of Rice et al. the mounting including a further buffer or the contact of the bottom of the upper surface of element 28 with the top of element 38 for increasing resistance to displacement of the support member relative to the base member in the load-bearing direction.

Re: claims 32 and 33. Rice et al., as modified, teach in figures 1 and 4A of Rice et al. the limitation wherein in the load bearing direction, the further buffer comprises a first buffer or the contact of the bottom of the upper surface of element 28 with the top of element 38 for increasing resistance to a positive displacement beyond a positive displacement threshold and a second buffer or the contact between the upper surface of element 58 and the lower surface of element 40 for increasing resistance to a negative displacement beyond a negative displacement threshold.

7. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice et al. in view of Bornzin as applied to claim 19 above, and further in view of US Patent 2903208 to Everitt.

Re: claims 34 and 35. Rice et al., as modified, are silent with regards to the mounting location having predetermined fastener positions.

Everitt teaches in figures 2-4 the use of a vibration mounting having a mounting location having predetermined fasteners positions shown around elements 34 for securing a base member, the vibration mounting or at least the fasteners of the vibration mounting being sized to fit the predetermined fastener positions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mounting location to having had fastener positions, as taught by Everitt, in order to provide a means of securely attaching the vibration mounting to an automobile frame, for example.

Re: claim 36. Examiner notes that since the lobes of Rice et al., as modified, are elevated from the base member, they are arranged so as to allow access to and not interfere with fastener positions to the same extent as Applicant's invention.

Drawings

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 34 of the mounting location having predetermined fastener positions, the vibration mounting being sized to fit the predetermined fastener positions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. First,

Examiner notes that the fastener positions shown in figures 1 and 3 are those of the base member and not of the mounting location to which the base member is mounted. Second, Examiner notes that the holes shown in figures 1 and 3 do not appear to be sized such that the vibration mounting can fit the fastener positions.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the

amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Response to Arguments

10. Applicant's arguments filed 2/3/09 have been fully considered but they are not persuasive. Applicant argues that Rice et al. fail to disclose a buffer member that is between adjacent lobes. Examiner disagrees and notes that on pg. 7 of the Office action Rice et al. illustrates a buffer member that is between adjacent lobes. Nothing in the claim language precludes adjacent lobes from meaning lobes situated across from each other as opposed to lobes situated circumferentially by each other. Applicant then argues that Rice et al. lack the limitation of the first and second buffer members, explaining that the cushions are always in contact with their rigid neighbors. Examiner disagrees and notes that the claim language simply requires buffer members or means and does not require that the buffer members or means comprise a gap between cushions as Applicant argues. The argument is more specific than the claim language. Examiner maintains that the limitation of increasing resistance to displacement beyond a displacement threshold is satisfied in Rice et al. by having multi-stage displacement/resistance as set forth in the rejections above similar to that of the instant invention except the gaps in Rice et al. are filled with elastomeric material. Accordingly, the rejections using the Rice et al. reference have been maintained.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
April 3, 2009

/Melody M. Burch/
Primary Examiner, Art Unit 3657